

REMARKS

I. INTRODUCTION

Applicant thanks the Examiner for the indication of allowable subject matter in claims 8, 16, 19-22 and 25. Applicant has cancelled claims 1, 10, 15 and 18 and amended claims 2, 4, 6-9, 11, 14, 16-17, 19 23 and 25-17. Accordingly, claims 2-9, 11-14, 16-17 and 19-27 are presently pending in this application. Applicant respectfully requests reconsideration of the application in view of the foregoing amendments and the following arguments.

II. AMENDMENTS TO THE CLAIMS

Applicant has amended claims 8-9, 16, 19, 25 and 27 to place the claims into independent form. Applicant has amended claims 2, 4, 6-7, 11, 14, 17, 23 and 26 to change the dependency of the claims. Applicant submits that the amendments do not add any new matter.

III. REJECTION OF CLAIMS 1-7, 9-15 AND 17 UNDER 35 U.S.C. § 102(B)

Claims 1-7, 9-15 and 17 stand rejected under 35 U.S.C. § 102(b) as anticipated by Simonnot (French Publication No. 2162457). Applicant has cancelled claims 1, 10 and 15 and amended claims 2, 4, 6, 9, 11, 14 and 17. Applicant respectfully submits that the rejection of remaining claims 2-7, 9, 11-14 and 17 under 35 U.S.C. § 102(b) is improper and/or has been overcome because Simonnot does not disclose or suggest all of the limitations recited in the claims. In re Paulsen, 30 F.3d 1475, 1478-79, 31 U.S.P.Q.2d 1671 (Fed. Cir. 1994); Verdegaal Bros. v. Union Oil Co. of California, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1997) (“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.”).

Claim 11-14 and 17, as amended, depend from claim 16 which was previously indicated as allowable. Accordingly, Applicant submits that the rejection of claims 11-14 and 17 under 35 U.S.C. § 102(b) has been rendered moot.

Claims 2-7, as amended, depend from claim 9. Claim 9 recites a steer axle suspension including “a first shackle coupled to said vehicle frame, one of said first and second ends of said first leaf spring pivotally coupled to said first shackle and said second end of said first arm pivotally coupled to said first shackle.” Applicant respectfully submits that Simonnot does not disclose or suggest a steer axle suspension meeting the above-recited limitations.

Simonnot discloses a suspension with leaf springs 2 that extend between two rigid hanging brackets 3, 4 and are connected to an axle beam 1 intermediate brackets 3, 4. A suspension arm 5 extends between one of the brackets 3 and the axle beam 1. The Examiner correlates the bracket 3 with the “shackle” recited in the claims. Applicant respectfully submits, however, that the hanging bracket does not constitute a “shackle” as that term is commonly understood in the art. A “shackle,” is a link that is fastened at either end to another structure with a pin, bolt, or similar fastener and generally permits movement of the link. See, e.g., McGraw Hill Dictionary of Scientific and Technical Terms 5th ed. (1994) (shackle: “An open or closed link or various shapes with extended legs; each leg has a transverse hole to accommodate a pin, bolt, or the like...”); see also U.S. Patent No. 7,354,051 (“shackles” 16, 17, 18); U.S. Patent No. 7,347,436 (“shackles” 124A, 124B), U.S. Patent No. 7,229,088 (disclosing a “shackle assembly” in Figure 3). The bracket 3 is a rigid structure that is welded to the frame rail 7 at one end. It is not fastened to the frame rail 7 with a fastener and is not capable of movement relative to the

frame rail 7. Applicant submits that it is therefore improper to identify bracket 3 as a “shackle” within the meaning of the claims.

Because Simonnot does not meet or suggest all of the limitations recited in independent claim 9, , Applicant submits that the rejection of claim 9 under 35 U.S.C. § 102(b) is improper. Accordingly, Applicant respectfully requests that the rejection of claim 9 under 35 U.S.C. § 102(b) be withdrawn. Further, at least because claims 2-7, as amended, depend from independent claim 9, Applicant submits that the rejection of claims 2-7 under 35 U.S.C. § 102(b) is improper and/or has been overcome and requests that the rejection of claims 2-7 under 35 U.S.C. § 102(b) be withdrawn.

IV. REJECTION OF CLAIMS 18, 23-24 AND 26-27 UNDER 35 U.S.C. § 102(B)

Claims 18, 23-24 and 26-27 stand rejected under 35 U.S.C. § 102(b) as anticipated by Tenggara (German Publication No. 4334369). Applicant has cancelled claim 18 and amended claims 23 and 26-27. Applicant respectfully submits that the rejection of remaining claims 23-24 and 26-27 under 35 U.S.C. § 102(b) is improper and/or has been overcome because Tenggara does not disclose or suggest all of the limitations recited in the claims. In re Paulsen, 30 F.3d 1475, 1478-79, 31 U.S.P.Q.2d 1671 (Fed. Cir. 1994); Verdegaal Bros. v. Union Oil Co. of California, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1997) (“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.”).

Independent claim 27, as amended, recites a steer axle suspension including “a first shackle coupled to said vehicle frame, one of said first and second ends of said first leaf spring pivotally coupled to said first shackle and said second end of said first arm

pivotally coupled to said first shackle; and, a second shackle coupled to said vehicle frame, one of said first and second ends of said second leaf spring pivotally coupled to said second shackle and said second end of said second arm pivotally coupled to said second shackle.” Applicant respectfully submits that Tenggara does not disclose or suggest a steer axle suspension meeting the above-recited limitations.

Tenggara discloses a suspension with leaf springs 13 that extend between a rigid bracket 2 and a shackle 8. The suspension arms 11, 12, however, are not connected to the shackle 8 as recited in claim 27. The Examiner therefore correlates bracket 2 (to which one end of each arm 11, 12 is connected) with the “shackle” recited in the claims. Applicant again respectfully submits, however, that the hanging bracket 2 does not constitute a “shackle” as that term is commonly understood in the art. As noted hereinabove, a “shackle,” is a link that is fastened at either end to another structure with a pin, bolt, or similar fastener and generally permits movement of the link. See, e.g., McGraw Hill Dictionary of Scientific and Technical Terms 5th ed. (1994) (shackle: “An open or closed link or various shapes with extended legs; each leg has a transverse hole to accommodate a pin, bolt, or the like...”); see also U.S. Patent No. 7,354,051 (“shackles” 16, 17, 18); U.S. Patent No. 7,347,436 (“shackles” 124A, 124B), U.S. Patent No. 7,229,088 (disclosing a “shackle assembly” in Figure 3). The bracket 2 is a rigid structure that is welded to the frame rail 1 at one end. It is not fastened to the frame rail 1 with a fastener and is not capable of movement relative to the frame rail 1. Applicant submits that it is therefore improper to identify bracket 3 as a “shackle” within the meaning of the claims.

Because Tenggara does not meet or suggest all of the limitations recited in independent claim 27, Applicant submits that the rejection of claim 27 under 35 U.S.C. § 102(b) is improper. Accordingly, Applicant respectfully requests that the rejection of claim 27 under 35 U.S.C. § 102(b) be withdrawn. Further, at least because claims 23-24 and 26, as amended, depend from independent claim 27, Applicant submits that the rejection of claims 23-24 and 26 under 35 U.S.C. § 102(b) is improper and/or has been overcome and requests that the rejection of claims 23-24, and 26 under 35 U.S.C. § 102(b) be withdrawn.

V. CONCLUSION

For the above cited reasons, all of the claims presently pending in this application are believed to be allowable. If the Examiner has any further questions or concerns, the Examiner is invited to contact the Applicant's undersigned attorney.

Respectfully submitted,

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